

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

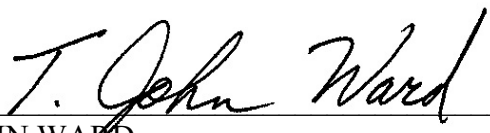
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|-------------------------------|---|------------------------------|
| PURECHOICE, INC., | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | CIVIL ACTION NO. 2:06-CV-244 |
| | § | |
| HONEYWELL INTERNATIONAL INC., | § | |
| Defendant. | § | |

MEMORANDUM OPINION AND ORDER

In its January 22, 2008 Memorandum Opinion and Order (Dkt. No. 91) (“Markman Order”), the court found two claim limitations in United States Reissued Patent No. RE38,985 (“the ‘985 patent”) indefinite under 35 U.S.C. § 112. The court concluded that asserted independent claims 1, 16, 21 and 62 of the ‘985 patent are invalid. The court informed the parties that it would treat defendant’s Motion for Entry of Final Judgment as a motion for summary judgment of indefiniteness as to the remaining asserted claims in this case. *See* February 12, 2008 Order (Dkt. No. 95).

The court has carefully considering the parties’ briefing related to Honeywell’s Motion for Entry of Final Judgment. Each of these asserted claims of the ‘985 patent contain the claim limitations this court held as indefinite in its Markman Order. The court, by applying the same reasoning as contained in the Markman Order, finds that claims 1-3, 5-7, 10-13, 15-34, 34-36, 48-59, 61-64, 66-72 and 74-75 of the ‘985 patent are invalid as indefinite under 35 U.S.C. § 112.

SIGNED this 13th day of March, 2008.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE